

tenant shall contain appropriate provisions implementing this subpart.

### Subpart B—HUD-Owned Projects

#### § 247.8 Incorporation by reference.

All of the provisions of subpart A of this part covering certain multifamily projects (excepting § 247.5) apply with full force to the property described in § 247.9 and they are hereby incorporated by reference.

#### § 247.9 Applicability of procedures.

The procedures outlined in this subpart apply to all decisions to terminate the occupancy of a tenant by the termination of a lease prior to the end of its term or at the end of a term where the tenant resides in any multifamily project which is presently owned by HUD, regardless of whether said project was a subsidized project prior to the acquisition of title by HUD.

#### § 247.10 Inapplicability to substantial rehabilitation or demolition; right of disposition unimpaired.

This subpart shall not apply in any case in which HUD terminates the occupancy of a tenant as a direct result of a determination by HUD to substantially rehabilitate or demolish the project or to dispose of the project to a purchaser who purchases for the purpose of substantial rehabilitation or demolition. Nothing in this subpart should be construed to affect in any way the right of HUD to exercise its full statutory authority and discretion to dispose of property acquired pursuant to the National Housing Act.

## PART 248—PREPAYMENT OF LOW INCOME HOUSING MORTGAGES

### Subpart A—General

Sec.

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### Subpart B—Prepayments and Plans of Action Under the Low Income Housing Preservation and Resident Homeownership Act of 1990

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- 248.173 Resident homeownership program.
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### Subpart C—Prepayment and Plans of Action Under the Emergency Low Income Preservation Act of 1987

- 248.201 Definitions.
- 248.203 General prepayment limitation.
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- 248.234 Section 8 rental assistance.
- 248.241 Modification of existing regulatory agreements.
- 248.251 Consultation with other interested parties.
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**§ 248.1**

**Subpart D—State Preservation Project Assistance**

- 248.300 General.
- 248.301 Initial application.
- 248.303 Approval of a State agency's initial application.
- 248.305 Applicability of subpart B of this part.
- 248.307 Authority to process and approve notices of intent and plans of action.
- 248.311 Notice of intent.
- 248.315 Preservation agreements.
- 248.319 Application for assistance.

**Subpart E—Technical Assistance and Capacity Building**

- 248.401 Purposes.
- 248.405 Grants for building resident capacity and funding predevelopment costs.
- 248.410 Grants for other purposes.
- 248.415 Delivery of assistance through intermediaries.
- 248.420 Definitions.

AUTHORITY: 12 U.S.C. 17151 note, 4101 note, and 4101-4124; 42 U.S.C. 3535(d).

**Subpart A—General**

SOURCE: 57 FR 12041, Apr. 8, 1992, unless otherwise noted.

**§ 248.1 Purpose.**

The purpose of this part is to—

- (a) Preserve and retain to the maximum extent practicable as housing affordable to low income families or persons those privately owned dwelling units that were produced for such purpose with Federal assistance, without unduly restricting the owners' prepayment rights;
- (b) Minimize the involuntary displacement of tenants currently residing in such housing;
- (c) Work in partnership with State and local government and the private sector in the provision and operation of housing that is affordable to very low, low and moderate income families; and
- (d) Facilitate the sale of housing to residents under a resident homeownership program.

**§ 248.3 Applicability.**

The requirements of subparts B and C of this part apply to any project that is eligible low income housing, as defined in subparts B and C of this part respectively, on or after November 1, 1987, ex-

cept that such requirements shall not apply to a project which receives assistance under title IV, subtitle B of the Cranston-Gonzalez National Affordable Housing Act in connection with a homeownership program approved by the Commissioner thereunder.

**§ 248.5 Election to proceed under subpart B or subpart C of this part.**

(a) Any owner who has not submitted a notice of intent prior to January 1, 1991, pursuant to either § 248.211 or § 248.105, shall proceed under subpart B of this part.

(b) Any owner who has filed a plan of action with the Commissioner on or before October 11, 1990 pursuant to subpart C of this part, regardless of whether or not the Commissioner has approved such plan of action or whether the owner has received incentives thereunder, may proceed under subpart B of this part by submitting a notice of intent to the Commissioner in accordance with § 248.105 within 30 days after publication of revised Appraisal Guidelines or within thirty days after the Commissioner notifies the owner of HUD's final approval of the plan of action, whichever is later. The notice of intent shall state that the owner is exercising its conversion right pursuant to this section. If the owner fails to file a notice of intent within that period, the owner forfeits its right of conversion. In awarding incentives to an owner who elects to proceed under subpart B of this part in accordance with this section, the Commissioner shall take into consideration any incentives which the owner has already received under subpart C of this part.

(c) Any owner of housing that becomes eligible low income housing, as defined in subpart B of this part, before January 1, 1991, and who before such date, filed a notice of intent under § 248.211 of subpart C of this part, may, unless a plan of action was submitted after October 11, 1990, elect to proceed under subpart B or under subpart C of this part. An owner must indicate its election by submitting to the Commissioner, within 30 days of the effective date of this part, a notice of election to proceed indicating whether it wishes to proceed under subpart B or subpart C of this part, or proceed under subpart B